

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fallon
Serial No. : 09/990,909
Filed : November 17, 2001
Title : METHODS FOR DIAGNOSING PERVASIVE DEVELOPMENT DISORDERS,
DYSAUTONOMIA AND OTHER NEUROLOGICAL CONDITIONS

Art Unit : 1648
Examiner : Zachariah Lucas

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition to Revive Unintentionally Abandoned Application Under 37 CFR § 1.137(b)

In response to the Notice of Abandonment mailed on January 4, 2006, with regard to the subject application:

I, Teresa A. Lavoie, Ph.D., declare and state the following:

1. I am and have been a registered patent attorney for the past six years, and previously to that, I was a registered patent agent for five years. I am an attorney at the law firm of Fish & Richardson PC, and have been an agent/law clerk or attorney with the firm since 2001.

2. I represent Curemark LLC ("Curemark"), which is the assignee of the above-referenced application.

3. The declaration of Joan Fallon, the sole inventor on the above-referenced application and the CEO of Curemark, is concurrently submitted herewith. ("Fallon Declaration," **Exhibit A.**)

4. Based on the Public PAIR file history of the above-referenced application, Ms. Fallon filed the same with the U.S. Patent and Trademark Office ("PTO") on November 16, 2001 using the law firm of F. Chau & Associates LLP ("prior counsel").

Adjustment date: 01/27/2010 CKHL0K
11/16/2009 INIEFSW 00002660 061050 09990909
03 FC:2255 11/5.00 CK

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: November 13, 2009

present claims with the development of autism, and describes how such correlations can be used to diagnose autism. See, for example, page 13, lines 6-18. Applicant's disclosure also describes a stool immunoassay which can be used to determine the presence of one or more pathogens recited in the present claims based on the presence of certain antigens (*e.g.*, proteins associated with such pathogens). In light of these disclosures, a person having ordinary skill in the art would have understood that Applicant possessed the presently claimed invention at the time of that original disclosure.

In light of the above remarks and amendments, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, first paragraph.

CONCLUSION

In light of the above, Applicant respectfully submits that claims 1, 2, 7, and 30-64 are in condition for allowance, which action is requested. The Examiner is invited to telephone the undersigned at 612-766-2006 if such further prosecution or expedite allowance of the present case.

Please apply \$468 for excess claims fees and \$1175 for petition for five month extension of time fees and other any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 25324-0021001.

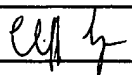

Respectfully submitted,

Date: November 13, 2009

/Teresa A. Lavoie/
Teresa A. Lavoie, Ph.D.
Reg. No. 42,782

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